IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 15 OF 2007

SMT. SAVITA MAHAMBREY, MAPUSA GOA. ... Appellant
Versus
SHRI GURUDAS A. CHARI AND 4 ORS., ... Respondents

Mr. Rohit Bras De Sa,Advocate for the appellant.
Ms. W. Coutinho, Govt. Advocate for the respondents No. 4 & 5.

Coram:- R. S. MOHITE, J.

Date:- 26th July, 2007

P.C.

This is an appeal from order impugning an order passed by the Second Ad hoc District Judge, Panji dated 14.7.2006 refusing interim injunction sought by the present appellant(original plaintiff.) On perusal of record, it is clear that the suit was for mandatory injunction. The temporary injunction which was sought pertains to the restraining defendants No. 1 & 2 from causing encroachment on the property of the plaintiff beyond property mentioned in the Sale-deed dated 8.5.74. The main ground on which the temporary injunction has not been granted, is an admission of the plaintiff that the construction has already been effected. It was sought to be argued that there is a finding in the impugned order that reconstruction is not as per the plan approved by the Village Panchayat. So it would be open for the Village Panchayat to take action according to law. Subject to this observation I don't feel any necessity to interfere in this appeal from order and same is therefore, dismissed.

R. S. MOHITE, J.

SMA